

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

| | | |
|--------------------|---|---------------------------|
| TRAVIS R. WHITE | § | |
| v. | § | CIVIL ACTION NO. 6:08cv58 |
| DIRECTOR, TDCJ-CID | § | |

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Petitioner Travis White, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining that the Texas Board of Pardons and Paroles was refusing to release him on parole. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On March 6, 2008, the Magistrate Judge ordered White to pay the statutory habeas corpus filing fee or to submit an application for leave to proceed *in forma pauperis* which was accompanied by a certified inmate data sheet. A copy of this order was sent to White at his last known address, but was returned as undeliverable with the notation that White had moved. To date, White has not notified the Court of his current mailing address or present whereabouts.

On May 28, 2008, the Magistrate Judge issued a Report recommending that the petition be dismissed without prejudice for failure to prosecute. A copy of this Report was sent to White at his last known address, return receipt requested, but no objections have been filed; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Magistrate Judge's Report is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus is DISMISSED without prejudice. It is further

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So ORDERED and SIGNED this 7th day of July, 2008.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**